



House of Representatives

General Assembly

File No. 103

February Session, 2002

House Bill No. 5654

House of Representatives, March 21, 2002

The Committee on Labor and Public Employees reported through REP. DONOVAN of the 84th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT REQUIRING NEGOTIATION OF FLEX-TIME SCHEDULES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) Any person employed
2 by an employer for at least seven hours per day and at least thirty-five
3 hours per week, or who is otherwise considered by such employer to
4 be a full-time employee shall have the right to negotiate a flex-time
5 schedule with such employer.

6 (b) No employer shall be required to accept a flex-time schedule
7 proposed by an employee if such schedule (1) includes hours outside
8 of the employer's normal hours of operation, (2) includes hours when
9 the functions performed by the employee are not required by the
10 employer, (3) will result in decreased productivity, (4) is inconvenient
11 for, or will cause a decrease in service to, clients or customers of the
12 employer, (5) will be burdensome or costly to the employer with
13 respect to security or supervision, (6) will limit the ability of the
14 employer to maintain adequate staffing levels, or (7) is otherwise

- 15 incompatible with the needs of the employer.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

LAB *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Effect	Municipalities	FY 03 \$	FY 04 \$
STATE MANDATE - Cost	All Municipalities	Potential	Potential

Explanation

The bill entitles municipal employees to negotiate a flex-time schedule with their employers, it is uncertain whether this applies to all municipal employees, or only those not represented by a collective bargaining agreement. It is anticipated that municipalities may incur increased costs resulting from additional negotiations with employees. The extent of such costs are contingent on the number of employees who engage in negotiations, and the nature of such negotiations. The bill does not specify the manner in which such negotiations must occur. The bill does not require municipal employers to grant employees flex-time schedules. Thus it is anticipated that municipal employers will only grant such flex-time schedules to the extent it can be accomplished within available budgetary resources.

There is no fiscal impact to the state because the bill does not appear to apply to the state as an employer.

OLR Bill Analysis

HB 5654

AN ACT REQUIRING NEGOTIATION OF FLEX-TIME SCHEDULES**SUMMARY:**

This bill entitles all full-time employees to negotiate a flex-time schedule with their employers. The bill applies to employees who work at least seven hours per day and at least 35 hours per week or are otherwise considered full-time employees by the employer.

An employer is not required to accept an employee's proposed if it (1) includes hours outside of the employer's normal hours of operation, (2) includes hours when the work performed by the employee is not required by the employer, (3) will decrease productivity, (4) is inconvenient for clients or customers or would decrease service to them, (5) will be burdensome or costly to the employer with respect to security or supervision, (6) will limit the employer's ability to maintain adequate staffing levels, or (7) is otherwise incompatible with the employer's needs.

It appears that the bill does not affect existing collective bargaining agreements. Nor does it appear to apply to the state as an employer. In Opinion 2000-032, the attorney general noted that "a clear and long settled principle of law provides that the State is not subject to a statutory requirement or responsibility unless there is a specific reference to the State or its agencies in the statute (State v. Shelton, 47 Conn. 400 (1879); Charter Communications Entertainment v. University of Connecticut, 2000 Conn. Super. LEXIS 770." This bill does not define employer).

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Labor and Public Employees

Joint Favorable Report

Yea 14 Nay 0

